

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Luke Petrinovic	Team: Squad #1	CCRB Case #: 201709170	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 11/06/2017 1:45 PM	Location of Incident: 20th Avenue and Benson Avenue	Precinct: 62	18 Mo. SOL 5/6/2019	EO SOL 5/6/2019	
Date/Time CV Reported Mon, 11/06/2017 2:14 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 11/06/2017 2:14 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Joseph Campbell	07101	955781	062 PCT
2. SGT Jose Baez	02864	924914	062 PCT
3. POM Randy Chow	9356	954642	062 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Joseph Campbell	Abuse: PO Joseph Campbell stopped § 87(2)(b)	
B.POM Randy Chow	Abuse: PO Randy Chow stopped § 87(2)(b)	
C.SGT Jose Baez	Abuse: Sgt. Jose Baez stopped § 87(2)(b)	
D.POM Joseph Campbell	Abuse: PO Joseph Campbell frisked § 87(2)(b)	
E.POM Joseph Campbell	Abuse: PO Joseph Campbell searched § 87(2)(b)	
F.POM Joseph Campbell	Abuse: PO Joseph Campbell searched the vehicle in which § 87(2)(b) was an occupant.	
G.POM Randy Chow	Abuse: PO Randy Chow searched the vehicle in which § 87(2)(b) was an occupant.	
§ 87(4-b), § 87(2)(g)		

Case Summary

On November 6, 2017, § 87(2)(b) filed this complaint over the phone with the CCRB.

On November 6, 2017, at approximately 1:45 p.m., § 87(2)(b) was seated alone, eating lunch in his vehicle, which was parked at 20th Avenue and Benson Avenue, in Brooklyn. He was approached by PO Joseph Campbell, PO Randy Chow, and Sgt. Jose Baez, all assigned to the 62nd Precinct. The officers stopped § 87(2)(b) (**Allegations A, B, and C – Abuse of Authority: § 87(2)(g)**). PO Campbell approached § 87(2)(b) ordered him out of the vehicle, and then allegedly frisked him (**Allegation D – Abuse of Authority: § 87(2)(g)**), and searched him (**Allegation E – Abuse of Authority: § 87(2)(g)**). After that PO Campbell searched § 87(2)(b)'s car (**Allegation F – Abuse of Authority: § 87(2)(g)**). PO Chow allegedly searched the vehicle as well (**Allegation G – Abuse of Authority: § 87(2)(g)**). § 87(2)(b) was released without a summons, and the officers left the area.

There was no relevant video footage for this incident. § 87(2)(b) took a brief video during the incident, but it only showed PO Campbell getting into his car after the incident concluded.

§ 87(2)(g)

Findings and Recommendations

Allegation (A) Abuse of Authority: PO Joseph Campbell stopped § 87(2)(b)

Allegation (B) Abuse of Authority: PO Randy Chow stopped § 87(2)(b)

Allegation (C) Abuse of Authority: Sgt. Jose Baez stopped § 87(2)(b)

The stop of § 87(2)(b) is not in dispute. § 87(2)(b) (Board Review 01) stated that he was seated alone in his vehicle, a black, 2016 Maserati. The vehicle does not have window tints, and it was legally parked. The vehicle has a clear plastic covering over the license plate, which § 87(2)(b) had been ticketed for in the past (Board Review 13). He was stopped by PO Campbell, PO Chow, and Sgt. Baez. The officers never issued § 87(2)(b) a summons or told him what they had stopped him for.

PO Campbell (Board Review 02) and PO Chow (Board Review 03) consistently stated that they stopped § 87(2)(b) after observing him seated in a vehicle with tinted windows and a license plate cover, both of which are violations. Their intention was to further investigate the violations, and potentially issue a summons. Eventually, the officers decided not to issue summonses for the violations, because they deemed it unnecessary. Sgt. Baez (Board Review 04) could not recall why they stopped § 87(2)(b). There was no Stop, Question, and Frisk report prepared for this incident (Board Review 05).

It is a violation of Vehicle Traffic Law to have any glass or plastic covering over your license plate (Board Review 14).

§ 87(2)(g)

Allegation (D) Abuse of Authority: PO Joseph Campbell frisked § 87(2)(b)

Allegation (E) Abuse of Authority: PO Joseph Campbell searched § 87(2)(b)

Allegation (G) Abuse of Authority: PO Randy Chow searched the vehicle in which § 87(2)(b)

was an occupant.

§ 87(2)(g)

§ 87(2)(b) stated that, when PO Campbell approached him in his vehicle, he briefly asked § 87(2)(b) what he was doing there, requested his documentation, and then immediately

ordered him out of the vehicle. When § 87(2)(b) exited the vehicle, PO Campbell asked him if he “had anything on” him, and told him to raise his arms. § 87(2)(b) did so, and PO Campbell began to frisk him over his waistband and pants pockets. At this time, § 87(2)(b) had nothing on him aside from a pair of headphones in his front left pants pocket, and an electronic car key attached to the front of his belt.

After frisking § 87(2)(b)'s left pants pocket, PO Campbell asked him what he had in it, and § 87(2)(b) responded that it was a pair of headphones. PO Campbell then reached into the pocket and felt the headphones, but did not remove them. PO Campbell then turned § 87(2)(b) around, and then frisked over his back and chest, down his legs, and on top of his shoes. After that, PO Campbell instructed § 87(2)(b) to step to the back of his car, which he did. Shortly after this, § 87(2)(b) saw PO Chow enter his car and look around inside.

PO Campbell stated that, after he approached § 87(2)(b) to question him about the traffic infractions, he noticed a bulge in § 87(2)(b)'s front pants pocket. The bulge was approximately three to four inches in length, and one to two inches wide, and PO Campbell could not recall how thick it appeared. PO Campbell thought that the bulge could have been a switchblade knife, solely because of its size and shape. He asked § 87(2)(b) to step out of the car, for safety reasons, and then asked him what was in his pocket. § 87(2)(b) responded that it was a key, and asked PO Campbell if he wanted to see it. PO Campbell responded that he did, and § 87(2)(b) removed the object. It was an electronic car key. After that, PO Campbell told § 87(2)(b) to step to the back of the car, and he did so. PO Campbell never frisked or searched § 87(2)(b) and neither did any other officer. PO Campbell denied that PO Chow ever searched the vehicle.

PO Chow's testimony was consistent with PO Campbell's, although he never was able to see the bulge in § 87(2)(b)'s pocket. He also denied that any officer ever frisked or searched § 87(2)(b) and denied that he searched the vehicle. Sgt. Baez could not recall the interaction with § 87(2)(b) or whether the vehicle was searched.

As stated above, there was no Stop, Question, and Frisk report prepared for this incident.

§ 87(2)(g)

Allegation (F) Abuse of Authority: PO Joseph Campbell searched the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(g)

It is undisputed that PO Campbell searched § 87(2)(b)'s vehicle. § 87(2)(b) stated that, after he stepped to the back of the car, PO Campbell entered the car through the driver's side door and started to look around. After being in the car a short time, PO Campbell exited the car and then re-entered it through the back seat driver's side door. PO Campbell leaned in through the back seat of the car and looked around for a short period of time. § 87(2)(b) had a full laundry bag on his back seat that had been closed and tied up, which he later saw was open. PO Campbell did not remove anything from the vehicle, or asked § 87(2)(b) any questions about it. § 87(2)(b) was released shortly after PO Campbell searched the car.

PO Campbell acknowledged searching § 87(2)(b)'s car, but described the search differently. When he was approaching § 87(2)(b) PO Campbell noticed a large laundry bag on top of the back seat of § 87(2)(b)'s car. PO Campbell did not notice § 87(2)(b) making any

motions or furtive movements inside his car, or doing anything with his hands. After asking § 87(2)(b) to step to the back of his car, PO Campbell decided to check the bag and see if it contained any weapons, which he felt could have been a threat to his safety. PO Campbell explained to the CCRB that he believed that the bag could have contained weapons solely because of its size, approximately two feet high and apparently full, but he also admitted that it could have contained anything. PO Campbell opened the back seat of the car, leaned in, and felt the bag. After feeling that the bag was soft, he was satisfied that it was not full of weapons, and so exited the car.

PO Chow stated that PO Campbell leaned into the car through the driver's door and looked around for a minute before exiting, and did not further search the car. PO Chow did not know why PO Campbell searched the car, and they never discussed it. Sgt. Baez could not recall whether the car was searched.

Absent a search warrant, officers are permitted to search a vehicle if the vehicle is readily mobile and there is probable cause to suspect that it contains contraband (Pa v. Labron, 518 U.S. 938 [1996]) (Board Review 06). In Pa v. Labron, the courts determined that the search of a vehicle was proper after the officers observed the defendant put drugs in the trunk.

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB case involving § 87(2)(b) (Board Review 07).
- This is the first CCRB case involving PO Chow. He has been a member of service for four years (Board Review 08).
- PO Campbell has been the subject of five prior CCRB allegations in two previous cases during his four year tenure with the NYPD. One of them concerned a search, and it was closed as unsubstantiated. PO Campbell has been the subject of one substantiated CCRB allegation (Board Review 09):

- In case number 201700305, PO Campbell was found to have stopped an individual without the requisite legal authority. A command discipline was recommended by the CCRB, and the NYPD has yet to come to a disposition in the case.
- Sgt. Baez has been the subject of nine previous CCRB allegations across seven cases during his seventeen year tenure with the NYPD. Only one of them concerned a stop, and it was exonerated. Sgt. Baez has never been the subject of a substantiated CCRB allegation (Board Review 10).

Mediation, Civil and Criminal Histories

- Mediation was offered to § 87(2)(b) during his interview with the CCRB. He rejected it, § 87(2)(b)
- § 87(2)(b) § 87(2)(c)
- No Notice of Claim related to this incident has been filed with the New York City Comptroller's Office as of January 24, 2018. (Board Review 12).

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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